

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SHEET METAL WORKERS' NATIONAL
PENSION FUND; NATIONAL ENERGY
MANAGEMENT INSTITUTE COMMITTEE FOR
THE SHEET METAL AND AIR CONDITIONING
INDUSTRY; SHEET METAL OCCUPATIONAL
HEALTH INSTITUTE TRUST;
INTERNATIONAL TRAINING INSTITUTE FOR
THE SHEET METAL AND AIR CONDITIONING
INDUSTRY; and NATIONAL STABILIZATION
AGREEMENT OF THE SHEET METAL
INDUSTRY FUND,

Plaintiffs,

-against-

JERSEY SHEET METAL WORKS, INC., and
ROBERT PHILLIPS, as an individual, and
STUART PHILLIPS, as an individual,

Defendants.

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Appearances:

For the Plaintiffs:

JEFFREY S. DUBIN, ESQ.
464 New York Avenue, Suite 100
Huntington, NY 11743

For the Defendants:

ROGER ROTHMAN, ESQ.
145 South Fourth Street
Bay Shore, NY 11706

BLOCK, Senior District Judge:

Before the Court is plaintiff's motion to enforce the terms of the parties' Settlement Stipulation and Order ("Settlement Agreement"), executed December 19, 2007, against defendant Jersey Sheet Metal Works, Inc. ("Jersey Sheet Metal").¹ The Court previously granted a similar motion as to defendant Robert Phillips ("Phillips") by Memorandum and Order dated January 13,

¹Plaintiffs' claims against Jersey Sheet Metal were stayed on January 14, 2009, because Jersey Sheet Metal filed for Chapter 11 bankruptcy. On November 4, 2009, Jersey Sheet Metal's bankruptcy petition was dismissed; the Court granted plaintiffs' motion to re-open its case against Jersey Sheet Metal on November 16, 2009.

2009 (“January 13 M&O”).

Jersey Sheet Metal has not contested plaintiffs’ allegations of default under the Settlement Agreement, though given ample opportunity. Because the reasoning of the January 13 M&O applies equally to the current motion, Jersey Sheet Metal is jointly and severally liable to plaintiffs for this default for the reasons stated therein.

CONCLUSION

The Court directs the Clerk to enter judgment against Jersey Sheet Metal in the amount of (1) \$421,177.92 in principal, representing \$603,542.76 in liquidated damages specified by the Settlement Agreement less the \$182,364.84 already paid thereunder, and (2) \$43,352.48 in prejudgment interest (simple interest calculated at the rate of 8.5% per annum from the date of default, October 1, 2008, to the date of this Memorandum and Order). Plaintiffs are also entitled to post-judgment interest on this sum at the standard federal rate. *See* 28 U.S.C. § 1961(a).²

SO ORDERED.

Brooklyn, New York
December 17, 2009

FREDERIC BLOCK
Senior United States District Judge

²As with their motion regarding defendant Phillips, plaintiffs here do not seek attorney’s fees or costs, though the Settlement Agreement provides for such relief; as such, the Court does not award them.